



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 2, 2008

NOBLITT & GILMORE, LLC.
4800 NORTH SCOTTSDALE ROAD
SUITE 6000
SCOTTSDALE, AZ 85251
US

Dear Sir/Madam,

Your refund request for 10840200 in the amount of \$206.00 has been denied.

Notice Regarding Request for Refund of Excess Claims Fees

The Office published a final rule notice to provide that an applicant may request a refund of excess claims fees under 37 CFR 1.117. However, the United States District Court for the Eastern District Court of Virginia issued a decision on April 1, 2008, enjoining the USPTO from implementing the changes in the final rule notice. Therefore, the USPTO currently does not have the authority to act on any request for a refund of excess claims fees for canceled claims under 37 CFR 1.117 and provide any such refund.

Sincerely,
Cynthia Streater
Cynthia Streater
Technical Center Others
703 308-9010 x178

28. down

REQUEST FOR REFUND Patent Application		Application Serial No.	10/840,200
Address to:		Filing Date	5 May 2004
Mall Stop 16 Director of the USPTO P.O. Box 1450 Alexandria, VA 22313-1450		First Named Inventor	Sieradzki et al.
		Art Unit	3731
		Examiner Name	Elizabeth Houston
		Attorney Docket Number	AZMED.0400

Director:

2251

Request is hereby made for refund of \$206.00 for the unnecessary payment for cancelled, unexamined claims not processed by the Office (18 total claims originally paid at 9.00 per claim, and 2 independent claims originally paid at 44.00 per claim). A copy of the previously submitted fee sheet is enclosed.

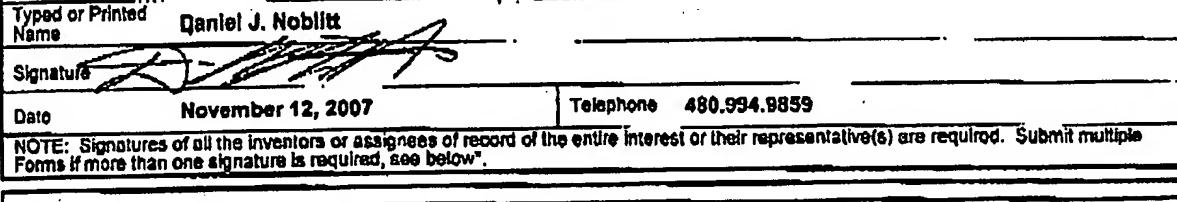
Accordingly, please forward the refund amount of \$206.00 to the undersigned at the following address:

Daniel J. Noblitt
NOBLITT & GILMORE, LLC.
4800 North Scottsdale Road
Suite 6000
Scottsdale, AZ 85251

If it would help to expedite this refund, please contact the undersigned at the telephone number listed below.

I am the:

Applicant/Inventor
 Assignee of record of the entire interest.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
 Attorney or Agent of record. Registration number 35,969.
 Registered practitioner named in the application transmittal letter in an application without an
 Executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Typed or Printed Name	Daniel J. Noblitt	
Signature		
Date	November 12, 2007	Telephone 480.994.9859
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple Forms if more than one signature is required, see below.		